

AFFIDAVIT

I, Pat Donley, declare as follows:

1. I am currently employed as President of Forensic Associates crime laboratory of Lubbock, Texas. Additionally, I am a forensic chemist and criminal justice instructor at Wayland Baptist University.

2. My firm is routinely employed by prosecution and defense attorneys as forensic experts in forensic hair, identification fiber analysis, firearms examinations, tire comparisons, serology and other areas of forensic application.

3. Attached is my resume and that of my associate Jack L. Benton.

4. I have been contacted by Ed Monahan, who is co-counsel with Ernie Lewis, who represent Eugene Williams Gall, Jr. I have briefly reviewed the attached reports and testimony. They wish to retain me to evaluate laboratory reports of Kentucky State Police Crime Lab, re-evaluate their results, and do confirmation testing on the hair, blood, semen, tire, fiber and firearms evidence collected in this case and introduced into evidence.

5. Attached is a schedule of fees. I would expect the document review results evaluations and laboratory re-evaluation to require a minimum of 80 hours. Additionally, travel expenses would be necessary as required by case circumstances.

6. Hair, fiber, blood, semen, tire and firearms analyses are expertise that require significant knowledge, training experience and judgment in order correctly understand and apply. They are not matters within the understanding of laypersons.

7. From my experience, there is the possibility that the results and conclusions reached by the KSP Crime Lab are incorrect due to errors and/or omissions. Incorrect test results, biased and/or incorrect interpretation of laboratory data conclusions could incriminate the wrong person. Therefore, should any of these events have occurred, the possibility exists that it was not the defendant's hair, fiber, blood, semen, weapon and tires as suggested by the KSP laboratory's staff.

8. Results in these areas of expertise, and testing and evaluation depend on the way the tests were conducted, the nature of the sample and other factors.

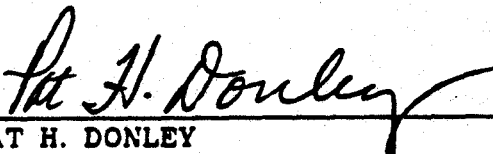
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9. Our laboratory and staff possess the equipment and training necessary to re-examine the evidence in this case. Through re-examination of the evidence we can confirm or disprove the results of the KSP laboratory.

10. I would be able to analyze and testify to the characteristics of the hairs and fibers, the KSP Crime Laboratory's methodology, their process of examination and their mounting, whether enough hairs and fibers were used and considered; whether there was a presence or absence of any unusual characteristics. I would be able to testify that hairs and fibers are not a positive form of identification; that hairs do not possess a sufficient number of unique individual microscopic characteristics to be positively identified as having originated from a particular person or place to the exclusion of all others. I would be able to testify that hairs and fibers can be similar in all characteristics and not from the same person or place. Additionally, my testimony would reflect that proper examination of hair evidence can successfully eliminate an individual as a suspect.

11. I would be able to analyze and testify to characteristics of serology examinations, the KSP methodology, their process of examination, and that when there is, as in this case, a type A secretor victim raped by an O secretor man, swabs taken from her will show A and H blood group substances because she is an A secretor and the man is an O secretor. Therefore, the absence of the H blood group substance on the vaginal swabs would eliminate the possibility of said sperm originating from a type O secretor.

More the affiant saith not.


PAT H. DONLEY

Subscribed and sworn to before me by Pat Donley this the 6th day of January, 1987.


NOTARY PUBLIC, STATE AT LARGE

My Commission expires:

07/16/89

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Shirley Lynn Wilson
My Commission Expires 7-16-89

Forensic Associates

SCIENTIFIC ASSISTANCE
IN LITIGATION

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P. O. Box 64561, Lubbock, Texas 79464



FEE SCHEDULE

The following information regarding our current rates and payment policies are being provided to you for your consideration. These rates are effective at this writing and are subject to change at our discretion.

A suitable retainer will be required on each case, reflecting a reasonable approximation of projected time and travel expense. A portion of this retainer may be nonrefundable; but will be applied toward the balance of any charges incurred. Remaining charges will be billed to you on a fifteen day cycle.

Please note, that unless prior arrangements are made, no case work will be conducted until a retainer is received and a complete case agreement is executed, thus confirming our participation in your case. In most cases, our work will be conducted on a first come, first served basis. Therefore, it is to your advantage to retain our services at the earliest opportunity. This will not only ensure timely results, but will allow us the opportunity to give your case the time and attention that it deserves.

Our present fee schedule is as follows:

- (1) Travel time (portal to portal), consultations, and laboratory examinations in regard to typical laboratory services and/or normal investigations will be billed at regular hourly rates.
- (2) Testimony (court appearances and depositions) - \$880 first day-\$680 per day thereafter, plus expenses (1/2 day minimum).
- (3) Scientific investigative charges (i.e. crime scene investigations, evidence collection, engineering support, laboratory analyses, scientific consultations and other technical services with the exception firearms and alcohol related matters) \$85 per hour plus expenses. Firearms, weapon functionability studies and all subsequent testimony and/or consultations are billed at \$100 per hour plus expenses. Rate schedules for alcohol related cases are defined on a separate fee schedule.
Normal investigative charges (i.e. surveillance, witness interviews, etc.) \$40 per hour plus expenses.

Your interest and support is appreciated. If we can ever be of service, please do not hesitate to call. There is no obligation implied by your inquiry and we would welcome the opportunity to discuss your case with you.

DEA NO. PF0237429
TX. DRUG NO. F0058386

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